

SENATE BILL 1681

By Cohen

AN ACT to amend Tennessee Code Annotated, Title 33,
Chapter 5, relative to intimate relations of service
recipients.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by
adding the following as a new, appropriately designated section thereto:

SECTION __.

(a) As used in this section, unless the context otherwise requires:

(1) "Intimate relations" means sexual activities and relationships of
service recipients.

(2) "ISP" means the individual support plan for the service
recipient. This plan is the responsibility of a group of interested persons
and professionals (including family representatives) described in division
of mental retardation services policies that meets to establish the plans to
meet the needs, desires, and welfare of the service recipients. The ISP is
developed, considered, approved and amended in accordance with
division policies. As used herein, the term shall also include individual
habilitation plans for service recipients in intermediate care facilities for
the mentally retarded.

(b)

(1) In considering or planning for possible intimate relations of a
service recipient, the responsible planning group shall consider the
needs, preferences, safety, education and supervision considerations of

the service recipient, and, through application of division policies, shall specifically ensure that coercion, threats, intimidation, undue influence or manipulation are not present in the relationship.

(2) The ISP recommended by the responsible planning group shall address intimate relations of a service recipient and shall be designed to reasonably assure that plans involving any intimate relations of the service recipient will provide for the service recipient's welfare while respecting the service recipient's individual rights.

(3) Any service provider which chooses to continue to provide services to the service recipient after development of such plan shall implement the ISP (or portions thereof applicable to that provider) developed by the responsible planning group with respect to intimate relations of the service recipient. Persons and entities, including the service provider, that develop and implement such an ISP shall not be liable either civilly or criminally for such action.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.